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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

 DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

TOM HICKE

Plaintiff,

vs.

MARAUDER CORPORATION

Defendant.

) Case No.  
) **'09 CV 1343 MMA NLS**  
) **COMPLAINT FOR VIOLATION**  
) **OF FEDERAL FAIR DEBT**  
) **COLLECTION PRACTICES ACT,**  
) **ROSENTHAL FAIR DEBT**  
) **COLLECTION PRACTICES ACT,**  
) **AND INVASION OF PRIVACY**  
)  
)

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code § 1788, *et seq.* (hereinafter "RFDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair

1 practices. Ancillary to the claims above, Plaintiff further alleges claims for  
2 invasion of privacy arising from intrusion upon seclusion and public disclosure of  
3 private facts.  
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## 5 **II. JURISDICTION**

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7 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

## 8 **III. PARTIES**

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10 3. Plaintiff, Tom Hicke ("Plaintiff"), is a natural person residing in San  
11 Diego county in the state of California, and is a "consumer" as defined by the  
12 FDCPA, 15 U.S.C. § 1692a(3) and is a "debtor" as defined by Cal Civ Code  
13 1788.2(h).  
14

15 4. At all relevant times herein, Defendant, Marauder Corporation,  
16 ("Defendant") was a company engaged, by use of the mails and telephone, in the  
17 business of collecting a debt from Plaintiff which qualifies as a "debt," as defined  
18 by 15 U.S.C. §1692a(5), and a "consumer debt," as defined by Cal Civ Code §  
19 1788.2(f). Defendant regularly attempts to collect debts alleged to be due  
20 another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. §  
21 1692a(6), and RFDCPA, Cal Civ Code § 1788.2(c).  
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#### IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA and the RFDCPA in multiple ways, including but not limited to:

a). Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff, (§ 1692c(a)(1));

b). Communicating or threatening to communicate credit information which is known or which should be known to be false, (§ 1692e(8));

c). Using unfair or unconscionable means against Plaintiff in connection with an attempt to collect a debt (§ 1692f);

d). Collecting an amount from Plaintiff that is not expressly authorized by the agreement creating the debt (§ 1692f(1));

e). Falsely representing that information concerning Plaintiffs failure or alleged failure to pay a consumer debt has been or is about to be referred to a consumer reporting agency (Cal Civ Code § 1788.13(f));

f). Collecting an amount from Plaintiff that is not permitted by law (§ 1692f(1));

1 g). Using false representations and deceptive practices in connection  
2 with collection of an alleged debt from Plaintiff (§ 1692e(10)).  
3

4 6. Defendant's aforementioned violations of the FDCPA and RFDCPA  
5 also constitute an intentional intrusion into Plaintiff's private places and into  
6 private matters of Plaintiff's life, conducted in a manner highly offensive to a  
7 reasonable person. Plaintiff had a subjective expectation of privacy that was  
8 objectively reasonable under the circumstances.  
9  
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11 7. Defendant's aforementioned disclosure of facts regarding Plaintiff's  
12 debt to third parties constitutes a public disclosure of a private fact not of  
13 legitimate public concern. Defendant's disclosures were highly offensive to a  
14 reasonable person.  
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16 8. As a result of the above violations of the FDCPA, RFDCPA and  
17 invasion of privacy, Plaintiff suffered and continues to suffer injury to Plaintiff's  
18 feelings, personal humiliation, embarrassment, mental anguish and emotional  
19 distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages,  
20 statutory damages, and costs and attorney's fees.  
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24 **COUNT I: VIOLATION OF FAIR DEBT**  
25 **COLLECTION PRACTICES ACT**

26 9. Plaintiff reincorporates by reference all of the preceding paragraphs.  
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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF ROSENTHAL  
FAIR DEBT COLLECTION PRACTICES ACT**

10. Plaintiff reincorporates by reference all of the preceding paragraphs.

11. To the extent that Defendant's actions, counted above, violated the RFDCPA, those actions were done knowingly and willfully

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the RFDCPA;
- B. Actual damages;
- C. Statutory damages for willful and negligent violations;
- D. Costs and reasonable attorney's fees,
- E. For such other and further relief as may be just and proper.

1 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**  
2  
3 **AND INVASION OF PRIVACY BY PUBLICATION OF PRIVATE FACTS**

4 12. Plaintiff reincorporates by reference all of the preceding paragraphs.


5 **PRAYER FOR RELIEF**

6  
7 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
8 against the Defendant for the following:

- 9  
10 A. Actual damages  
11 B. Punitive Damages; and,  
12 C. For such other and further relief as may be just and proper.

13 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**  
14  
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16 Respectfully submitted this 20th day of June, 2009.

17  
18  
19 By:  s/Todd M. Friedman  
20 **TODD M. FRIEDMAN (216752)**  
21 **LAW OFFICES OF TODD M.**  
22 **FRIEDMAN, P.C.**  
23 **369 S. Doheny Dr. #415**  
24 **Beverly Hills, CA 90211**  
25 **Phone: 877 206-4741**  
26 **Fax: 866 623-0228**  
27 **tfriedman@attorneysforconsumers.com**  
28 **Attorney for Plaintiff**

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

TOM HICKE

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Todd M. Friedman, Law Offices of Todd M. Friedman, P.C.  
369 S. Doheny Dr. #415, Beverly Hills, CA 90211, 877 206-4741

## DEFENDANTS

MARAUDER CORPORATION

County of Residence of First Listed Defendant San Diego  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'09 CV 1343

MMA NLS

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 USC 1692

Brief description of cause:  
Violation of the Fair Debt Collection Practice Act

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 002234AMOUNT \$350

APPLYING IFP

JUDGE

MAG. JUDGE

CR

Court Name: USDC California Southern  
Division: 3  
Receipt Number: CAS002234  
Cashier ID: bhartman  
Transaction Date: 06/22/2009  
Payer Name: LAW OFFICE OF TODD M FRIEDMAN

-----  
CIVIL FILING FEE

For: HICKE V MARAUDER CORP.  
Case/Party: D-CAS-3-09-CV-001343-001  
Amount: \$350.00

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CHECK

Check/Money Order Num: 1131  
Amt Tendered: \$350.00

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Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

There will be a fee of \$45.00  
charged for any returned check.